

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

IN RE:

DAVID WINSTON BYRD, JR.

**CASE NO.: 04-09427-8-JRL
CHAPTER 7**

MOTION TO WITHDRAW AS COUNSEL FOR DEBTORS

1. That the undersigned is a licensed attorney in the State of North Carolina and is currently serving as attorney for the above Debtor in his Chapter 7 bankruptcy case.

2. That the undersigned attorney has been serving in this capacity since the Debtor's Chapter 11 bankruptcy case, filed December 6, 2004, was converted to a Chapter 7 case on May 9, 2005.

3. That the attorney for the Debtor has been unable to contact his client for several months and as a result of this lack of contact, the undersigned is no longer able to effectively represent the Debtor.

Wherefore, the undersigned requests that he be allowed to withdraw as attorney for the Debtor.

This the 11th day of December, 2006.

ALLEN, MACDONALD & DAVIS, PLLC

/s/Dean R. Davis

**Dean R. Davis, State Bar No. 9191
1508 Military Cutoff Road, Ste. 102
Wilmington NC 28403
(910)256-6558
Fax: (910)256-6558**

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CHAPTER 11**

CERTIFICATE OF SERVICE

This is to certify that on December 12, 2006, a copy of the foregoing MOTION TO WITHDRAW AS COUNSEL FOR DEBTOR was served on the parties listed below by mailing copies of said documents to them at their address, by depositing the same in a postpaid, properly addressed wrapper in a Post Office or other official depository under the exclusive care and custody of the U. S. Postal Service. The Bankruptcy Administrator will be electronically notified upon the filing of this motion.

**David W. Byrd, Sr.
5241 US Hwy 17 South
Burgaw NC 28425**

This the 12th day of December, 2006.

ALLEN, MACDONALD & DAVIS, PLLC

/s/Dean R. Davis

**Dean R. Davis, State Bar No. 9191
1508 Military Cutoff Road, Ste. 102
Wilmington NC 28403**